

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

MATTHEW CLARK and GREGORY
MALANDRUCCO,

Plaintiffs,

V.

CITY OF CHICAGO, et al.

Defendants.

Case No. 10-cv-1803

Judge Der-Yeghiayan

Magistrate Judge Cox

JURY TRIAL DEMANDED

PLAINTIFFS' MOTION TO DISMISS DEFENDANT OFFICER JOHN REPPAS

Now come Plaintiffs Matthew Clark and Gregory Malandruccho, by and through their attorneys, LOEVY & LOEVY, and respectfully move this Court to dismiss Officer John Reppas as a defendant in this acation. In support of their motion, Plaintiffs state as follows:

1. Plaintiffs named Officer Reppas as a defendant in this action because Defendant City of Chicago listed Officer Reppas as one of the uniformed officers who responded to the scene where Plaintiffs were assaulted in the City's Response to Plaintiffs' First Set of Interrogatories.

2. Defendant's counsel and the counsel for the City have subsequently represented to Plaintiffs' counsel that Officer Reppas did not respond to the scene of the attack but was a reporting officer, who responded to Plaintiffs at Plaintiff Matthew Clark's home shortly after the attack.

3. Based on this information, Plaintiffs voluntarily agree to dismiss Officer Reppas as a defendant in this action without prejudice and without costs.

Conclusion

WHEREFORE, Plaintiffs respectfully request that the Court enter an order dismissing Defendant Officer John Reppas as a defendant in this action without prejudice and without costs.

Respectfully submitted,

/s/ Heather Lewis Donnell
Attorneys for Plaintiff

Arthur Loevy
Jon Loevy
Russell Ainsworth
Elizabeth Wang
Heather Lewis Donnell
LOEVY & LOEVY
312 North May Street
Chicago, Illinois 60607
(312) 243-5900

CERTIFICATE OF SERVICE

I, Heather Lewis Donnell, certify that on January 3, 2011, I served via email and the Court's CM/ECF system to all counsel of record PLAINTIFFS' MOTION TO DISMISS DEFENDANT OFFICER JOHN REPPAS.

/s/ Heather Lewis Donnell